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Message from the President of the United States, transmitting a communication from the Secretary of the Interior, dated the 6th instant, with accompanying papers from the Commissioner of Indian Affairs, and draft of a bill to amend section 2135 revised statutes

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, dated the 6th instant, with accompanying papers from the Commissioner of Indian Affairs, and draft of a bill to amend section 2135 Revised Statutes.

MARCH 9, 1882.—Referred to the Committee on Indian Affairs and ordered to be printed.

The Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, dated 6th instant, with accompanying papers from the Commissioner of Indian Affairs, and draft of a bill to amend section 2135 Revised Statutes.

The subject is recommended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
March 8, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, March 6, 1882.

SIR: I have the honor to transmit herewith a copy of a communication, dated 23d ultimo, from the Commissioner of Indian Affairs, and accompanying papers from Agent Lower Brulé Agency, Dakota, in regard to the habit of some of the Lower Brulé Indians of selling, trading, or disposing of to whites, annuity goods, &c., issued them by the United States, together with a draft of a bill to remedy this evil, by amending section 2135 Revised Statutes.

The bill has the approval of this department, and I respectfully request that the same be presented for the favorable consideration of Congress.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

THE PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 23, 1883.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I am in receipt of two letters (copies herewith) dated, respectively, the 2d of timo and the 6th instant, from United States Indian Agent W. H. Parkhurst, of Lower Brulé Agency, Dakota Territory, in which he states that some of the Indians belonging to his agency have been and are in the habit of selling, trading, or otherwise disposing of to settlers, or store and saloon keepers, in the settlements adjacent to, or across the Missouri River from said agency, portions of the annuity goods issued to them by the United States. Agent Parkhurst, in his report for the month of January last, says, should Congress in its wisdom provide punishment for any and all white persons caught with Indian goods or supplies of any kind issued to the Indians by the government in their possession, it will do more for the Indian race than any single law which may be enacted, and enable the agent to do for the Indian that which he cannot now do, viz, protect him from the rascality, rapacity, and knavery of the "border ruffian." In fact the practice of the Indians in disposing of supplies of clothing, cattle, and goods of various kinds which they have obtained from the government to white men, traders, &c., is a matter of almost universal complaint of the various Indian agents. Complaints have come from the agents of the Poncas, Pawnees, Quapaws, nearly all of the Sioux agencies, Omahas, Great Nemehas, and many others, accompanied by a request that Congress take immediate steps to remedy this great and growing evil.

If some decisive measures are not taken to stop this nefarious practice, it would seem almost useless for Congress to continue large annual appropriations for supplies for Indians. If the laws are not so amended as to provide a punishment for whites who purchase these goods from the Indians, Congress will continue to make the appropriations and the Indians will continue to trifle away the goods. Section 2135 of the Revised Statutes of the United States provides that every person, other than an Indian, who "*within the Indian country*," purchases or receives of any Indian certain articles, including guns, traps, clothing, &c., shall be liable to a fine of \$50.

As this statute makes no provision for the punishment of those persons who make purchases of such articles from Indians *off of* Indian reservations, I have, with a view of preventing the pernicious practice which forms the subject of this communication, had prepared, and have the honor to submit herewith a draft of an amendment to said section 2135, United States Revised Statutes, which, if enacted, it is believed will provide a remedy for the evil complained of, and respectfully recommend that the same be transmitted for proper Congressional action.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

UNITED STATES INDIAN SERVICE,
LOWER BRULÉ AGENCY,
Dakota, January 2, 1881.

SIR: I have the honor to state, from information received, some of the Indians have been guilty of selling annuity goods to the traders at "Brulé City" and Chamberlain.

According to the ruling of a former honorable commissioner, there is no remedy unless the parties are *caught in the act*, and as such an event could by no means occur there is no remedy as the law at present stands: If the ruling is correct, and no remedy is to be found upon the statute books (of which I have no copy), I would respectfully suggest that Congress be petitioned to pass such additional laws as will make it a crime punishable with fine and imprisonment—one or both as the court may decide—to have any article of Indian annuity goods in possession, *no matter how obtained*, also giving Indian Agents power to search any suspected stores, dwellings, or premises, and seize and take in possession any such articles as can be identified.

The settlers, store-keepers, and saloon-keepers upon the other bank of the Missouri make no secret, and some of them boast, I am told, of the purchases made of these articles from the Indians.

Much less of this kind of illicit trade is the case this year than on some former years, yet there is altogether too much, if there is any at all.

Let the man who purchases annuity goods be *publicly branded as a thief*, and let him know that he may any day be stripped of the clothing on his person, and more, punished as he richly deserves, and then the practice will be stopped.

Competent legal talent can frame a bill that will do the work, and I trust it may be done speedily.

Very respectfully, your obedient servant,

W. H. PARKHURST,
United States Indian Agent.

HON. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

UNITED STATES INDIAN SERVICE,
Lower Brulé Agency, Dakota, February 6, 1882.

SIR: I have the honor to acknowledge receipt of "A, 401," of date of January 11, 1882, and in reply thereto will respectfully state, the circulars referred to were duly received and one copy posted in the post-office at Chamberlain, and a second copy sent for posting to Brulé City. I would further respectfully state that in the matter of the purchase of annuity goods, its illegality is well known by all the traders in this vicinity, and while they do not cross to *this* side the Missouri to purchase, they do entice the Indians across the river and purchase *without* the borders of the reservation. They well understand that if caught upon Indian territory short work would be made of them, but they are shrewd and cunning as can be imagined, and *boast* that as the law *now stands* they care nothing for its provisions, as they do not violate them, the purchases all being made *outside* the reservation.

To meet this state of things a radical change in the law is needed, and as the liquor law is a guide, I see no reason why a similar law cannot be enacted that will effectually put a stop to this class of traffic. The liquor law reads, "it is a crime to dispose of by sale or otherwise, to an Indian *on or off* a reservation, &c." By changing the law in respect of annuities to read "on or off the reservation," and affixing a severe penalty to have annuity goods of any kind in possession, whether purchased "on or off a reservation," with authority for the agent to swear out a search warrant and seize the goods if found, will be a radical cure.

As it now stands the law is practically a dead letter, as no man will so far commit himself as to cross this side for the purpose of purchasing annuity goods. A visit to the stores at Chamberlain or Brulé City will disclose more or less of such goods upon the shelves of the traders in those places. I am inclined to think, from all I can learn, that the sales have been fewer than in any previous year, from the fact that the goods being distributed by families and individuals were more generally scattered than in any former year. Yet the traders do not deny that *some* purchases have been made. With a change of the law indicated the sale will be stopped.

Very respectfully, &c.,

W. H. PARKHURST,
United States Indian Agent.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

A BILL to amend section twenty-one hundred and thirty-five of the Revised Statutes of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-one hundred and thirty-five of the Revised Statutes of the United States be, and the same hereby is, amended so as to read as follows: "Every person other than an Indian, who purchases or receives of any Indian in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with white people, or any article of clothing, or other goods or supplies furnished them by the United States, shall be liable to a penalty of fifty dollars."